

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:  
Felton et al.

Atty. Docket No.: YOR920010696US1

Serial No.: 09/982,225

Group Art Unit: 3628

Filed: October 18, 2001

Examiner: Liversedge, Jennifer, L.

For: IMPORT DECLARATION/FOREIGN SUPPLIER INVOICE PAYMENT  
RECONCILIATION PROCESS

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' APPEAL BRIEF**

Sirs:

Appellant respectfully appeals the final rejection of claims 1, 3-14, and 16-20, in the Office Action dated September 6, 2007. A Notice of Appeal and Pre-Appeal Brief Request was timely filed on December 6, 2007. A decision on the Pre-Appeal Brief Request, mailed on December 26, 2007, stated that Appellants are to proceed to the Board of Patent Appeals and Interferences. Therefore, Appellants' Appeal Brief is timely filed.

09/982,225

## Appeal Brief

### **I. REAL PARTY IN INTEREST**

The real party in interest is International Business Machines Corporation, Armonk, New York, assignee of 100% interest of the above-referenced patent application.

### **II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

### **III. STATUS OF CLAIMS**

Claims 1, 3-14, and 16-20 are all the claims pending in the application and are under appeal. Claims 1, 3-14, and 16-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker, et al (U.S. Publication No. 2002/0095355), hereinafter referred to as Walker, in view of Official Notice. None of the claims are allowed; all of the rejections are appealed.

### **IV. STATUS OF AMENDMENTS**

In Amendment to the Office Action mailed on September 6, 2007 (referred to herein as the "Office Action"), Appellants filed an after-final Amendment on October 31, 2007. An Advisory Action mailed on November 26, 2007 indicated that Applicants'

## Appeal Brief

claim amendments would be entered. The claims shown in the appendix are shown in their amended form as of the October 31, 2007 Amendment.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

One feature of the invention is a method for verifying a value of goods on a supplier invoice. Claim 1 defines this feature as follows: "a method for verifying a value of goods on a supplier invoice." This feature is described at various points in the specification, for example paragraph [0021] describes this feature as follows:

"Specifically, in FIG. 1, there is shown a flow diagram illustrating a preferred method of the present invention, in which the process for verifying a value of goods on a supplier invoice comprises inputting data into a data management system 200." This is shown in Figure 1.

Another feature of the invention is compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein the statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein the sampling size equals exactly a total number of all supplier invoices compiled in the data processing system. Claim 1 defines this feature as follows: "compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system." This

## Appeal Brief

feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "Preferably, the sampling generator 225 creates a random statistical sample, using a higher sampling size than that ordinarily used in United States Customs Service audits." This is shown in Figure 1.

Another feature of the invention is inputting a first value of imported goods in the data processing system, the inputting of the first value comprising inputting a value claimed on an import declaration. Claim 1 defines this feature as follows: "inputting a first value of imported goods in said data processing system, said inputting of said first value comprising inputting a value claimed on an import declaration." This feature is described at various points in the specification, for example paragraph [0025] describes this feature as follows: "Here, a check is performed of whether the import declaration value of goods matches the value listed on the billing invoice 25." This is shown in Figure 1.

Another feature of the invention is inputting a second value of imported goods in the data processing system, the inputting of the second value comprising inputting a value claimed on a payment invoice. Claim 1 defines this feature as follows: "inputting a second value of imported goods in said data processing system, said inputting of said second value comprising inputting a value claimed on a payment invoice." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "Second, all supplier billings received from the accounts payable directory, based on the daily data inputted into the system, are generated and a weekly sample is compiled 17." This is shown in Figure 1.

## Appeal Brief

Another feature of the invention is selectively comparing the first value with the second value. Claim 1 defines this feature as follows: "selectively comparing said first value with said second value." This feature is described at various points in the specification, for example paragraph [0025] describes this feature as follows: "Here, a check is performed of whether the import declaration value of goods matches the value listed on the billing invoice 25." This is shown in Figure 1.

Another feature of the invention is performing a logic step. Claim 1 defines this feature as follows: "performing a logic step." This feature is described at various points in the specification, for example paragraph [0026] describes this feature as follows: "Upon completion of this step, another logic process occurs 41, wherein it is determined whether the discrepancy in the invoice is resolved." This is shown in Figure 1.

Another feature of the invention is alerting a user if the first value does not equal the second value. Claim 1 defines this feature as follows: "alerting a user if said first value does not equal said second value." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "alerting the user of a "problem" supplier; that is, a supplier who routinely has discrepancies in its claimed declaration values and its invoice values." This is shown in Figure 1.

Another feature of the invention is making an automated payment if the first value equals the second value. Claim 1 defines this feature as follows: "making an automated payment if said first value equals said second value." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "First, the billings are posted for payment, upon which the system automatically

## Appeal Brief

sets payment 13 to contract terms, e.g., net 45 days, and the process ends 15." This is shown in Figure 1.

Another feature of the invention is repeating the method for subsequent supplier invoices. Claim 1 defines this feature as follows: "repeating said method for subsequent supplier invoices." This feature is described at various points in the specification, for example paragraph [0027] describes this feature as follows: "However, if the discrepancy is not resolved (N), then the system is alerted 49, and steps 35 through 41 are repeated until the discrepancy is resolved. Alternatively, in lieu of and/or in addition to repeating steps 35 through 41, the unresolved invoices are returned to the appropriate and/or corresponding vendors (suppliers) 51, upon which the process ends 53." This is shown in Figure 1.

Another feature of the invention is wherein the step of comparing the first value with the second value occurs for every occurrence of the inputting a first value of imported goods into a data processing system and the step of inputting a second value of imported goods into the data processing system. Claim 3 defines this feature as follows: "wherein said step of comparing said first value with said second value occurs for every occurrence of said inputting a first value of imported goods into a data processing system and said step of inputting a second value of imported goods into said data processing system." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "First, the billings are posted for payment, upon which the system automatically sets payment 13 to contract terms, e.g., net 45 days, and the process ends 15. Second, all supplier billings received from the

## Appeal Brief

accounts payable directory, based on the daily data inputted into the system, are generated and a weekly sample is compiled 17. Next, the billing data is forwarded 19 to a worldwide distribution data processing system, which is an internal measurement system." This is shown in Figure 1.

Another feature of the invention is wherein the sampling size is approximately 30 supplier invoices. Claim 4 defines this feature as follows: "wherein said sampling size is approximately 30 supplier invoices." This feature is described at various points in the specification, for example paragraph [0024] describes this feature as follows: "Nonetheless, this step of the process involves running a random sample of approximately 30 invoices." This is shown in Figure 1.

Another feature of the invention is selecting a statistical sample of supplier invoices having the first value greater than a predetermined amount. Claim 5 defines this feature as follows: "selecting a statistical sample of supplier invoices having said first value greater than a predetermined amount." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "The system 200 can do this for all occurrences, or alternatively, only levels at or above a predetermined amount of discrepancies attributed to a common supplier which will alert the user." This is shown in Figure 2.

Another feature of the invention is selecting a statistical random sample from all supplier invoices in the data processing system, and identifying an amount of occurrences of unequal first values compared with second values, attributed to a common supplier. Claim 6 defines this feature as follows: "selecting a statistical random sample from all

## Appeal Brief

supplier invoices in said data processing system, and identifying an amount of occurrences of unequal first values compared with second values, attributed to a common supplier." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "Through its notification procedures 35, 37, the system 200 identifies and targets those unresolved invoices attributed to a common supplier, thereby alerting the user of a "problem" supplier; that is, a supplier who routinely has discrepancies in its claimed declaration values and its invoice values." This is shown in Figure 2.

Another feature of the invention is selecting all invoices of the common supplier if the amount of occurrences exceeds a predetermined amount, and alerting the user. Claim 7 defines this feature as follows: "selecting all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alerting said user." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "The system 200 can do this for all occurrences, or alternatively, only levels at or above a predetermined amount of discrepancies attributed to a common supplier which will alert the user." This is shown in Figure 2.

Another feature of the invention is a computer system executing a method for verifying a value of goods on a supplier invoice. Claim 8 defines this feature as follows: "A computer system executing a method for verifying a value of goods on a supplier invoice." This feature is described at various points in the specification, for example paragraph [0021] describes this feature as follows: "Specifically, in FIG. 1, there is shown a flow diagram illustrating a preferred method of the present invention, in which



## Appeal Brief

the process for verifying a value of goods on a supplier invoice comprises inputting data into a data management system 200." This is shown in Figure 1.

Another feature of the invention is a sampling generator adapted to compile, in a data processing system, a daily input of supplier invoice data into a weekly statistical sample of supplier invoices, wherein the statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, wherein the sampling size equals exactly a total number of all supplier invoices compiled in the data processing system, wherein the data processing system is adapted to have a first value and a second value of imported goods being input therein, wherein the first value comprises a value claimed on an import declaration, and wherein the second value comprises a value claimed on a payment invoice. Claim 8 defines this feature as follows: "a sampling generator adapted to compile, in a data processing system, a daily input of supplier invoice data into a weekly statistical sample of supplier invoices, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system, wherein said data processing system is adapted to have a first value and a second value of imported goods being input therein, wherein said first value comprises a value claimed on an import declaration, and wherein said second value comprises a value claimed on a payment invoice." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "First, the billings are posted for payment, upon which the system automatically sets payment 13 to contract terms, e.g.,

## Appeal Brief

net 45 days, and the process ends 15. Second, all supplier billings received from the accounts payable directory, based on the daily data inputted into the system, are generated and a weekly sample is compiled 17. Next, the billing data is forwarded 19 to a worldwide distribution data processing system, which is an internal measurement system. The sampling generator 225 creates a random statistical sample, which simulates a sample selected by the United States Customs Service when an auditing procedure occurs." This is shown in Figure 1.

Another feature of the invention is an input data management system adapted to selectively compare the first value with the second value. Claim 8 defines this feature as follows: "an input data management system adapted to selectively compare said first value with said second value." This feature is described at various points in the specification, for example paragraph [0021] describes this feature as follows: "Specifically, in FIG. 1, there is shown a flow diagram illustrating a preferred method of the present invention, in which the process for verifying a value of goods on a supplier invoice comprises inputting data into a data management system 200." This is shown in Figure 1.

Another feature of the invention is a logic component. Claim 8 defines this feature as follows: "a logic component." This feature is described at various points in the specification, for example paragraph [0026] describes this feature as follows: "Upon completion of this step, another logic process occurs 41, wherein it is determined whether the discrepancy in the invoice is resolved." This is shown in Figure 1.

## Appeal Brief

Another feature of the invention is an alert component adapted to alert a user if the first value does not equal the second value. Claim 8 defines this feature as follows: "an alert component adapted to alert a user if said first value does not equal said second value." This feature is described at various points in the specification, for example paragraph [0027] describes this feature as follows: "However, if the discrepancy is not resolved (N), then the system is alerted 49, and steps 35 through 41 are repeated until the discrepancy is resolved." This is shown in Figure 1.

Another feature of the invention is a payment system adapted to make an automated payment if the first value equals the second value. Claim 8 defines this feature as follows: "a payment system adapted to make an automated payment if said first value equals said second value." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "First, the billings are posted for payment, upon which the system automatically sets payment 13 to contract terms, e.g., net 45 days, and the process ends 15." This is shown in Figure 1.

Another feature of the invention is wherein the comparison of the first value with the second value occurs for every occurrence of the inputting of the first value of imported goods into a data processing system and the inputting of the second value of imported goods into the data processing system. Claim 9 defines this feature as follows: "wherein the comparison of said first value with said second value occurs for every occurrence of the inputting of said first value of imported goods into a data processing system and the inputting of said second value of imported goods into said data processing system." This feature is described at various points in the specification, for example

## Appeal Brief

paragraph [0022] describes this feature as follows: "The process begins 1 by inputting 2 the value listed on a foreign goods billing invoice into the system. Next, the inputted value is sent 3 to an accounts payable directory, which matches the foreign goods invoice to a corresponding purchase order (P.O.). Then, the system performs a decision step 5, wherein it is determined whether the purchase order is valid." This is shown in Figure 1.

Another feature of the invention is wherein the sampling size is approximately 30 supplier invoices. Claim 10 defines this feature as follows: "wherein said sampling size is approximately 30 supplier invoices." This feature is described at various points in the specification, for example paragraph [0024] describes this feature as follows:

"Nonetheless, this step of the process involves running a random sample of approximately 30 invoices." This is shown in Figure 1.

Another feature of the invention is wherein the sampling generator is further adapted to generate and select a statistical sample of supplier invoices having the first value greater than a predetermined amount. Claim 11 defines this feature as follows: "wherein said sampling generator is further adapted to generate and select a statistical sample of supplier invoices having said first value greater than a predetermined amount." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "The sampling generator 225 creates a random statistical sample, which simulates a sample selected by the United States Customs Service when an auditing procedure occurs. Preferably, the sampling generator 225 creates a random statistical sample, using a higher sampling size than that ordinarily used

## Appeal Brief

in United States Customs Service audits. Alternatively, the sampling generator may use all invoices compiled in the system for its sampling size." This is shown in Figure 1.

Another feature of the invention is wherein the sampling generator is further adapted to generate and select a statistical random sample from all supplier invoices in the data processing system, and identify an amount of occurrences of unequal first values compared with second values attributed to a common supplier. Claim 12 defines this feature as follows: "wherein said sampling generator is further adapted to generate and select a statistical random sample from all supplier invoices in said data processing system, and identify an amount of occurrences of unequal first values compared with second values attributed to a common supplier." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "Through its notification procedures 35, 37, the system 200 identifies and targets those unresolved invoices attributed to a common supplier, thereby alerting the user of a "problem" supplier; that is, a supplier who routinely has discrepancies in its claimed declaration values and its invoice values." This is shown in Figure 2.

Another feature of the invention is wherein the sampling generator is further adapted to select all invoices of the common supplier if the amount of occurrences exceeds a predetermined amount, and alert the user. Claim 13 defines this feature as follows: "wherein said sampling generator is further adapted to select all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alert said user." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "The system 200 can do this

## Appeal Brief

for all occurrences, or alternatively, only levels at or above a predetermined amount of discrepancies attributed to a common supplier which will alert the user." This is shown in Figure 2.

Another feature of the invention is a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform a method for verifying an import declaration with an invoice for value of goods. Claim 14 defines this feature as follows: "A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform a method for verifying an import declaration with an invoice for value of goods." This feature is described at various points in the specification, for example paragraph [0021] describes this feature as follows: "Specifically, in FIG. 1, there is shown a flow diagram illustrating a preferred method of the present invention, in which the process for verifying a value of goods on a supplier invoice comprises inputting data into a data management system 200." This is shown in Figure 1.

Another feature of the invention is compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein the statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein the sampling size equals exactly a total number of all supplier invoices compiled in the data processing system. Claim 14 defines this feature as follows: "compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein said statistical sample comprises a sampling size greater than a sampling size used in

## Appeal Brief

United States Customs Service audits, and wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "Preferably, the sampling generator 225 creates a random statistical sample, using a higher sampling size than that ordinarily used in United States Customs Service audits." This is shown in Figure 1.

Another feature of the invention is inputting a first value of imported goods in the data processing system, the inputting of the first value comprising inputting a value claimed on an import declaration. Claim 14 defines this feature as follows: "inputting a first value of imported goods in said data processing system, said inputting of said first value comprising inputting a value claimed on an import declaration." This feature is described at various points in the specification, for example paragraph [0025] describes this feature as follows: "Here, a check is performed of whether the import declaration value of goods matches the value listed on the billing invoice 25." This is shown in Figure 1.

Another feature of the invention is inputting a second value of imported goods in the data processing system, the inputting of the second value comprising inputting a value claimed on a payment invoice. Claim 14 defines this feature as follows: "inputting a second value of imported goods in said data processing system, said inputting of said second value comprising inputting a value claimed on a payment invoice." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "Second, all supplier billings received from the accounts payable

## Appeal Brief

directory, based on the daily data inputted into the system, are generated and a weekly sample is compiled 17." This is shown in Figure 1.

Another feature of the invention is selectively comparing the first value with the second value. Claim 14 defines this feature as follows: "selectively comparing said first value with said second value." This feature is described at various points in the specification, for example paragraph [0025] describes this feature as follows: "Here, a check is performed of whether the import declaration value of goods matches the value listed on the billing invoice 25." This is shown in Figure 1.

Another feature of the invention is performing a logic step. Claim 14 defines this feature as follows: "performing a logic step." This feature is described at various points in the specification, for example paragraph [0026] describes this feature as follows: "Upon completion of this step, another logic process occurs 41, wherein it is determined whether the discrepancy in the invoice is resolved." This is shown in Figure 1.

Another feature of the invention is alerting a user if the first value does not equal the second value. Claim 14 defines this feature as follows: "alerting a user if said first value does not equal said second value." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "alerting the user of a "problem" supplier; that is, a supplier who routinely has discrepancies in its claimed declaration values and its invoice values." This is shown in Figure 1.

Another feature of the invention is making an automated payment if the first value equals the second value. Claim 14 defines this feature as follows: "making an automated payment if said first value equals said second value." This feature is described at various



## Appeal Brief

points in the specification, for example paragraph [0023] describes this feature as follows: "First, the billings are posted for payment, upon which the system automatically sets payment 13 to contract terms, e.g., net 45 days, and the process ends 15." This is shown in Figure 1.

Another feature of the invention is repeating the method for subsequent supplier invoices. Claim 14 defines this feature as follows: "repeating said method for subsequent supplier invoices." This feature is described at various points in the specification, for example paragraph [0027] describes this feature as follows: "However, if the discrepancy is not resolved (N), then the system is alerted 49, and steps 35 through 41 are repeated until the discrepancy is resolved. Alternatively, in lieu of and/or in addition to repeating steps 35 through 41, the unresolved invoices are returned to the appropriate and/or corresponding vendors (suppliers) 51, upon which the process ends 53." This is shown in Figure 1.

Another feature of the invention is wherein the step of comparing the first value with the second value occurs for every occurrence of the inputting a first value of imported goods into a data processing system and the step of inputting a second value of imported goods into the data processing system. Claim 16 defines this feature as follows: "wherein said step of comparing said first value with said second value occurs for every occurrence of said inputting a first value of imported goods into a data processing system and said step of inputting a second value of imported goods into said data processing system." This feature is described at various points in the specification, for example paragraph [0023] describes this feature as follows: "First, the billings are posted for

## Appeal Brief

payment, upon which the system automatically sets payment 13 to contract terms, e.g., net 45 days, and the process ends 15. Second, all supplier billings received from the accounts payable directory, based on the daily data inputted into the system, are generated and a weekly sample is compiled 17. Next, the billing data is forwarded 19 to a worldwide distribution data processing system, which is an internal measurement system." This is shown in Figure 1.

Another feature of the invention is wherein the sampling size is approximately 30 supplier invoices. Claim 17 defines this feature as follows: "wherein said sampling size is approximately 30 supplier invoices." This feature is described at various points in the specification, for example paragraph [0024] describes this feature as follows: "Nonetheless, this step of the process involves running a random sample of approximately 30 invoices." This is shown in Figure 1.

Another feature of the invention is selecting a statistical sample of supplier invoices having the first value greater than a predetermined amount. Claim 18 defines this feature as follows: "selecting a statistical sample of supplier invoices having said first value greater than a predetermined amount." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "The system 200 can do this for all occurrences, or alternatively, only levels at or above a predetermined amount of discrepancies attributed to a common supplier which will alert the user." This is shown in Figure 2.

Another feature of the invention is selecting a statistical random sample from all supplier invoices in the data processing system, and identifying an amount of occurrences

## Appeal Brief

of unequal first values compared with second values, attributed to a common supplier. Claim 19 defines this feature as follows: "selecting a statistical random sample from all supplier invoices in said data processing system, and identifying an amount of occurrences of unequal first values compared with second values, attributed to a common supplier." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "Through its notification procedures 35, 37, the system 200 identifies and targets those unresolved invoices attributed to a common supplier, thereby alerting the user of a "problem" supplier; that is, a supplier who routinely has discrepancies in its claimed declaration values and its invoice values." This is shown in Figure 2.

Another feature of the invention is selecting all invoices of the common supplier if the amount of occurrences exceeds a predetermined amount, and alerting the user. Claim 20 defines this feature as follows: "selecting all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alerting said user." This feature is described at various points in the specification, for example paragraph [0029] describes this feature as follows: "The system 200 can do this for all occurrences, or alternatively, only levels at or above a predetermined amount of discrepancies attributed to a common supplier which will alert the user." This is shown in Figure 2.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues presented for review is whether claims 1, 3-14, and 16-20 are unpatentable under 35 U.S.C. §103(a) by Walker, in view of Official Notice.

## **VII. ARGUMENT**

### **A. The Rejection Based on Walker in View of Official Notice**

#### **1. The Position in the Office Action**

The Office Action states:

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Pub, No. 2002/0095355 A1 to Walker et al. (further referred to as Walker), and further in view of Official Notice.

Walker discloses a method, computer system, and a program storage device with program instructions for verifying a value of goods on a supplier invoice (pages 1-10), comprising:

Compiling input of supplier invoice data where the data is a value claimed on an import declaration and a payment invoice (page 4, paragraph 50; page 8, paragraph 87),

Where the values are compared (page 8, paragraphs 87-88; page 9, paragraphs 97 and 101; page 10, paragraph 111),

Where users are alerted if discrepancies are found in the values (page 8, paragraphs 81-88; page 9, paragraph 97),

Where a payment is made if the values are not discrepant (page 1, paragraphs 11-14).

Walker discloses where the sampling size equals the total number of all supplier invoices compiled in a data processing system (pages 1-10). Walker does not disclose where the sample size is greater than the sampling size used in the United States Customs

## Appeal Brief

Service audits. However, Walker discloses where the steps are performed for all gathered data, and as an audit may include all or less than all of the data, it would be obvious that verifying all of the data as disclosed by Walker discloses where the sample size is greater than the sampling size used in the United States Customs Service audits.

It is not possible to verify more data than has been gathered and as Walker verifies all data, this sample size of all invoices is a sample size greater than a sample size used in an audit where some or all of the data is verified.

Walker does not disclose where daily data is compiled into a weekly statistical sample, where a sample size is 30 invoices, However, Examiner takes Official Notice that the technique of statistical sampling is old and well known and would be obvious to one of ordinary skill in the art at the time of the invention for making calculations using the invoice data as disclosed by Walker. Gathering data on a daily basis and generating weekly statistics therefrom would be obvious to one of ordinary skill in the art at the time of the invention. Selecting various sample sizes, such as 30 invoices, would be obvious to one of ordinary skill in the art at the time of the invention. The manipulation of data for statistical purposes can be performed in an infinite array of combinations as the user desires for their purpose of reviewing the gathered data. The selection of sample size can also be determined based on how samples a user deems necessary in order to represent the population as a whole, the concept of sampling being old and well known.

## Response to Arguments

The system, method, and program storage device with program instructions far verifying a value of goods on a supplier invoice as disclosed in the present application

## Appeal Brief

teaches a means of performing those steps as are performed by the United States Customs Service. As disclosed in the background on page 2, the United States Customs Service performs audits to verify and compare the value of goods as declared versus the value as actually paid. This is performed under 19 U.S.C. 1509. Suppliers are required to conform and meet the requirements as set forth by the United States Customs Service and an organization to internally mimicking the audit process using old and well known statistical sampling in order to assure compliance with the regulatory authorities makes common business sense, The disclosure of the present application teaches on page 2 that internal systems perform such verification at the time of an audit. Accordingly, verifying a value of goods on a supplier invoice through sampling and comparing values on an import declaration and on a payment invoice are admittedly performed by both the United States Customs Service and internally by organizations seeking to comply with government regulations.

Applicant argues specifically in the current amendment that Walker does not mention automated payments or comparing the value claimed on an import declaration with the value claimed on a payment invoice. Applicant further argues that paragraph 14 of the Walker reference does not constitute prior art as it was not disclosed in the provisional application. Additionally, Applicant argues Examiner's use of Official Notice regarding statistical sampling and use thereof.

First, the use of paragraph 14 from the Walker disclosure is proper because the paragraph is within the Description of Prior Art section of the disclosure. Walker is not disclosing a new form of payment in his disclosure, but is stating as prior art that making

## Appeal Brief

payments at the end of a transaction is old and well known prior art. Further, Walker discloses where the system facilitates the payment between parties (page 9, paragraphs 98-99). Further, it is old and well known to make automatic payments upon the satisfaction of certain predefined conditions, this type of automatic payment system being described in a multitude of settings. Additionally, in the context of the Walker disclosure, Examiner cites *In re Vennar*, 262 F.2d 91, 95, 1209 USPQ 193, 194 (CCPA 1955) wherein it has been decided that the automation of a known manual process is an obvious variation of the manual process.

Second, Examiner points to the sections as detailed in the Office Action above where Walker compares values of required regulatory documents to ensure compliance with Federal regulations regarding customs, specifically at page 4, paragraph 50 for an invoice and page 8, paragraph 87 for declarations. Walker further discloses where the values are compared (page 8, paragraphs 87-88; page 9, paragraphs 97 and 101; page 10, paragraph 111), and where users are alerted if discrepancies are found in the values (page 8, paragraphs 87-88; page 9, paragraph 97). The purpose of the Walker invention is to ensure that international trade is conducted in a manner such that all regulatory requirements are met using a computer-implemented system to account for the complete trade process on behalf of buyers and sellers. In the sections as outlined, Walker performs all necessary steps of ensure proper documentation is submitted and that the documentation is accurate for meeting U.S. Customs requirements.

Finally, regarding the arguments of use of Official Notice for statistical sampling and use thereof. As support for the use of Official Notice, Examiner relies on the

## Appeal Brief

disclosure of statistical sampling which is part of the record (Turner), used in previous Office Actions. Statistical sampling is old and well known. Taking an entire population of data or a portion of data is old and well known sampling techniques. The more data that is taken, the more accurate the statistic would be, this is the basic nature of statistics and, sampling. As stated in the preceding section of the arguments, suppliers are required to conform and meet the requirements as set forth by the United States Customs Service and an organization to internally mimicking the audit process using old and well known statistical sampling in order to assure compliance with the regulatory authorities makes common business sense. Whether data is gathered hourly or daily or any unit of time, and whether reports are developed hourly or daily or weekly or by any other unit of time is part of the discretion of the individual performing the statistical analysis. There are in infinite number of combination that a user can implement when collecting and calculating data but they all fall within the old and well known use of statistical analysis.

The Courts have stated that “[when a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill” KSR Int’l Co. v. Teleflex, Inc. 127 S. Ct, 1727, 1740, 92 USPQ2d 1385, 1396 (2007). Mimicking a process as established by the United States Customs Service to verify invoice and declaration values match, using



## Appeal Brief

known statistical techniques, is a predictable variation to the process as made available by the United States Customs Service in meeting the established Federal requirements and in which it only makes sense for a business to follow the law.

### **2. Appellants' Position**

#### **a. Independent Claims 1, 8, and 14**

##### **i. Walker is Not Prior Art under 35 U.S.C. §103(a)**

First of all, Appellants submit that Walker is not valid Prior Art because it has a filing date after the filing date of the present application and is not prior art under 35 U.S.C. §103(a). Moreover, the provisional patent application on which Walker was based (attached to the Appendix hereto) does not include the disclosure relied upon in the Office Action rejections.

Appellants submit that the portions of Walker relied upon by the Office Action do not constitute prior art under 35 U.S.C. §103(a). More specifically, the Office Action relies upon paragraph 0014 of Walker to reject Appellants' claims (Office Action, p. 3). However, paragraph 0014 of Walker was not disclosed in the provisional patent application of Walker (No. 60/262,484), which was filed on January 18, 2001, nor were any similar statements or concepts.

Instead, as discussed on page 1 of the provisional patent application of Walker, a system is disclosed that uses databases of trade knowledge (i.e., country requirements), on-line tools (i.e., computation of selling price, metric and currency conversion), and integrates various international service providers with expertise of the process and

## Appeal Brief

government trade regulations. The system manages the process, creating a transaction “template” depending on key information, flagging both the buyer and seller for potential problem areas, and alerting the parties to upcoming dates and actions. The system creates required documents, integrates events completed by either party as well as the service providers, and allows both parties to track the status of the transaction on-line at any time. The system “is a guided trade process, managing the details of the transaction over time” (provisional patent application of Walker, p. 1, para. 1).

Nevertheless, nothing within the provisional patent application of Walker mentions finalizing the payment on the part of the buyer and collection on the part of the seller (Walker, para. 0014). Instead, the provisional patent application of Walker merely discloses databases of trade knowledge, online tools, and international service providers for guiding buyers and sellers through an international transaction. The provisional patent application of Walker fails to disclose finalizing the international transaction, including payment on the part of the buyer and collection on the part of the seller.

Moreover, Appellants’ filing date of October 18, 2001 precedes Walker’s filing date of July 18, 2002. Accordingly, Appellants submit that Walker’s teaching of “[p]ayment on the part of the buyer and collection on the part of the seller are finalized” (para. 0014) was not disclosed prior to Appellants’ filing date; and, as such, does not constitute prior art under 35 U.S.C. §103(a).

Further, the arguments in the Office Action tend to confirm that the provisional patent application of Walker does not contain the necessary disclosure. Rather than pointing out where the provisional patent application of Walker contains the

## Appeal Brief

corresponding disclosure, the Office Action merely argues that the use of paragraph 0014 of Walker is proper “because the paragraph is within the Description of Prior Art section of the disclosure” (Office Action, p. 5, para. 3). Thus, the Office Action reasons that “Walker is not disclosing a new form of payment ... but is stating [the] prior art” (Office Action, p. 5, para. 3).

Appellants submit that regardless of what Walker is stating in paragraph 0014, whatever paragraph 0014 states was disclosed after Appellants’ filing date because nothing similar to paragraph 14 appears in Walker’s provisional. In other words, no matter what is stated in paragraph 0014 of Walker, paragraph 0014 does not constitute prior art under 103 because it was filed after Appellants’ filing date, and does not appear in the provisional.

A reference having a date of January 17, 2002 is not a prior art reference for an application filed on October 18, 2001. The only thing that Walker shows is what was known before January 17, 2002, which could mean January 16, 2002 (well after the filing date of the present application). Therefore, the portion of Walker relied upon in the Office Action is not prior art.

The Office Action rejects the present application under 35 U.S.C. §103(a), which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and *the prior art* are such that the subject matter as a whole would have been obvious *at the time the invention was made* to a person having ordinary skill in the art to which said subject matter pertains

## Appeal Brief

(emphasis added). Appellants submit that because Walker was filed on January 17, 2002, Walker's disclosure was made after the filing date of the present patent application (October 18, 2001). As such, Walker's disclosure was not made "at the time the invention was made" and does not constitute prior art under 35 U.S.C. §103(a).

Although the Office Action argues that "Walker is not disclosing a new form of payment ... but is stating [the] prior art" (Office Action, p. 5, para. 3), Walker is stating the prior art before the filing date of the Walker patent application (January 17, 2002). Walker is not stating the prior art before the filing date of Appellants patent application (October 18, 2001). In other words, the state of the prior art that the Office Action argues is disclosed in Walker includes the time period of October 19, 2001 - January 17, 2002. This time period is not "at the time the invention was made" respective to Appellants' application as required under 35 U.S.C. §103(a). Nothing within Walker mentions that the state of the prior art discussed in the Background Section of Walker is at or before Appellants' filing date of October 18, 2001. In view of the foregoing, Applicants' submit that Walker is not prior art under 35 U.S.C. §103(a).

### **ii. The Merits of Walker**

Appellants traverse the rejections because Walker fails to disclose the claimed features wherein "said inputting of said first value comprising inputting a value claimed on an import declaration ... said inputting of said second value comprising inputting a value claimed on a payment invoice ... alerting a user if said first value does not equal

## Appeal Brief

said second value; and making an automated payment if said first value equals said second value” (independent claims 1, 8, 14).

The claimed invention provides a method for verifying a value of goods on a supplier invoice. First, the method compiles daily input of supplier invoice data into a weekly statistical sample of supplier invoices. The sampling size equals exactly a total number of all supplier invoices compiled. A first value (import declaration value) and a second value (payment invoice value) of imported goods are inputted. If the first value does not equal the second value, then a user is alerted; if the first value equals the second value, then an automated payment is made.

On page 6, paragraph 2, the Office Action argues that Walker discloses declarations (para. 0087) and payment invoices (para. 0050). However, Walker fails to disclose comparing the value claimed on an import declaration with the value claimed on a payment invoice, wherein a user is alerted if the values are not equal, and wherein an automated payment is made if they are equal. The Office Action argues that such features are disclosed in paragraphs 0087-0088 of Walker (Office Action, p. 6, para. 2). Appellants respectfully disagree and submit that nothing within Walker, including the portions cited by the Office Action, compares the value claimed on an import declaration with the value claimed on a payment invoice.

Thus, none of the compliance regulations discussed in Walker relate to whether the value claimed on an import declaration matches the value claimed on a payment invoice. Instead, Walker merely discloses reviewing compliance for “labeling/packaging, product certifications, pre-shipment inspections, origin certifications, import

## Appeal Brief

licenses/quotas, hazmat labeling/packaging, declarations, export licensing/restrictions, and country/region/international standards” (Walker, para. 0087). Walker also discloses “additional compliance activities, such as product marking or additional declarations or certifications, facilitates allocating the responsibilities for each activity to either the buyer or seller, and captures and itemized any additional costs associated with each compliance activity” (Walker, para. 0088).

Therefore, it is Appellants’ position that Walker fails to disclose the claimed features wherein “said inputting of said first value comprising inputting a value claimed on an import declaration ... said inputting of said second value comprising inputting a value claimed on a payment invoice ... alerting a user if said first value does not equal said second value; and making an automated payment if said first value equals said second value” (independent claims 1, 8, and 14).

Furthermore, Appellants traverse the rejections because the prior art of record fails to teach or suggest the claimed features of “compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system ... wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system” as defined in independent claims 1, 8, and 14.

The Office Action expressly admits that “Walker does not disclose where daily data is compiled into a weekly statistical sample” (Office Action, p. 4, para. 2). However, the Office Action argues that such features would be obvious because “the technique of statistical sampling is old and well known” (Office Action, p. 4, para. 2).

## Appeal Brief

Therefore, the Office Action concludes that “[g]athering data on a daily basis and generating weekly statistics therefrom would be obvious” (Office Action, p. 4, para. 2).

Nevertheless, the Office Action does not provided any support within the prior art to suggest that that it would be obvious to compile supplier invoice data on a daily basis and to generate a sample of the supplier invoices on a weekly basis. Instead, the Office Action merely states that “the technique of statistical sampling is old and well known” (Office Action, p. 4, para. 2) without giving an example of such sampling within the art field of invoiced goods.

Furthermore, neither Walker nor the Official Notice teaches or suggests that a sampling size of the statistical sample equals exactly a total number of all supplier invoices compiled. Instead, Walker and the Official Notice fail to disclose a statistical sample and the sampling sizes thereof.

Additionally, Appellants submit that Walker teaches away from the Official Notice. Specifically, Walker teaches that a commercial transaction requires an “Extended Time of Process”, wherein “[w]eeks--even months--may pass with seemingly little being accomplished” (Walker, para. 0021). Therefore, Appellants submit that Walker teaches away from compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices. In other words, because Walker teaches that a commercial transaction can take months to process, it would not be obvious to compile supplier invoice data on a daily basis.

As discussed in paragraph 0021 of Walker (titled “Extended Time of Process”), international trade transactions are generally not "immediate" transactions. The process

## Appeal Brief

usually takes longer than domestic equivalents, requiring more management control, more professional intermediary service providers, and more "process knowledge" regarding timing and the responsibilities of each party. Weeks--even months--may pass with seemingly little being accomplished, yielding to a period of a few days with many deadlines and key dates. As further discussed in paragraph 0023 of Walker, an international trade transaction is a set of multiple tasks, or events, requiring in-depth process and country-specific regulatory knowledge and adequate resources to manage the process, carried out over an extended period of time.

Accordingly, Appellants submit that it would not have been obvious to compile supplier invoice data on a daily basis and to generate a sample of the supplier invoices on a weekly basis. Instead, Walker teaches that a commercial transaction can take months to process.

Therefore, it is Appellants' position that the prior art of record fails to teach or suggest the claimed features of "compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system ... wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system" as defined in independent claims 1, 8, and 14. In view the foregoing, the Board is respectfully requested to reconsider and withdraw this rejection.

### **b. Dependent Claims 3, 9, and 16**

Appellants traverse the rejections because the prior art of record fails to teach or suggest the claimed features wherein "said step of comparing said first value with said



## Appeal Brief

second value occurs for every occurrence of said inputting a first value of imported goods into a data processing system and said step of inputting a second value of imported goods into said data processing system” as defined in dependent claims 3, 9, and 16.

Nothing within Walker teaches or suggests comparing a value claimed on an import declaration with a value claimed on a payment invoice. Instead, Walker merely discloses a Global Trade InterNetwork (GTI System) 50 “that reviews the products for any specific government regulatory requirements pertaining to ... declarations” (Walker, para. 0087). Moreover, Walker discloses a template for guiding a buyer and seller to mutually create a pro forma invoice that identifies all cost elements (Walker, para. 0049-0050). Nevertheless, nothing within Walker mentions inputting the value from the “declaration” (which the Office Action asserts teaches the “first value” of the claimed invention), inputting the value from the “pro forma invoice” (which the Office Action asserts teaches the “second value” of the claimed invention), and comparing the values. Nothing within Walker mentions comparing the first value to the second value.

Accordingly, Appellants submit that Walker cannot perform such a comparing process for every occurrence that the first value is input and for every occurrence that the second value is input. In other words, because Walker does not compare the import declaration to the payment invoice, then Walker cannot perform such a comparing process for every occurrence that an import declaration is input into a data processing system. Moreover, because nothing in Walker mentions comparing the import declaration to the payment invoice, then Walker cannot perform such a comparing process for every occurrence that a payment invoice is input into the data processing

## Appeal Brief

system. Therefore, it is Appellants' position that the prior art of record fails to teach or suggest the claimed features wherein "said step of comparing said first value with said second value occurs for every occurrence of said inputting a first value of imported goods into a data processing system and said step of inputting a second value of imported goods into said data processing system" as defined in dependent claims 3, 9, and 16. In view of the foregoing, the Board is respectfully requested to reconsider and withdraw this rejection.

### **c. Dependent Claims 4, 10, and 17**

Appellants traverse the rejections because the prior art of record fails to teach or suggest the claimed features "wherein said sampling size is approximately 30 supplier invoices" as defined in dependent claims 4, 10, and 17.

The Office Action expressly acknowledges that "Walker does not disclose where daily data is compiled into a weekly statistical sample, wherein a sample size is 30 invoices" (Office Action, p. 4, para. 2). However, without providing any support, the Office Action states that such features would be obvious to one of ordinary skill in the art at the time of the invention (Office Action, p. 4, para. 2). Appellants respectfully disagree and submit that the prior art of record fails to teach or suggest "compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system" (independent claims 1, 8, and 14, from which claims 4, 10, and 17 depend upon, respectively) "wherein said sampling size is approximately 30 supplier invoices" (claims 4, 10, and 17).

## Appeal Brief

The Office Action does not provided any support within the prior art to suggest that that it would be obvious to compile supplier invoice data on a daily basis and to generate a sample of the supplier invoices on a weekly basis, wherein the sampling size is approximately 30 supplier invoices. Instead, the Office Action merely states that “the technique of statistical sampling is old and well known” (Office Action, p. 4, para. 2) without giving an example of such sampling within the art field of invoiced goods. In view the foregoing, the Board is respectfully requested to reconsider and withdraw this rejection.

### **d. Dependent Claims 6, 12, and 19**

Appellants traverse the rejections because the prior art of record fails to teach or suggest the claimed features of “selecting a statistical random sample from all supplier invoices in said data processing system, and identifying an amount of occurrences of unequal first values compared with second values, attributed to a common supplier” (dependent claims 6, 12, and 19). As discussed more fully above, Walker is not prior art under 35 U.S.C. §103(a). Moreover, the Office Action fails to reference portions in the provisional of Walker that teach the features defined in dependent claims 6, 12, and 19.

As also discussed above, nothing within Walker discloses comparing the value from the declaration (first value) with the value from the payment invoice (second value). Instead, Walker merely discloses a Global Trade InterNetwork (GTI System) 50 “that reviews the products for any specific government regulatory requirements pertaining to ... declarations” (Walker, para. 0087). Moreover, Walker discloses a template for

## Appeal Brief

guiding a buyer and seller to mutually create a pro forma invoice that identifies all cost elements (Walker, para. 0049-0050). Nevertheless, nothing within Walker mentions inputting the value from the “declaration” (which the Office Action asserts teaches the “first value” of the claimed invention), inputting the value from the “pro forma invoice” (which the Office Action asserts teaches the “second value” of the claimed invention), and comparing the values. Nothing within Walker mentions comparing the first value to the second value.

Accordingly, Applicants submit that because Walker does not compare the first value with the second value, then Walker cannot identify the number of times that the first value is unequal to the second value. In order to identify whether the first value is equal or unequal to the second value, the first value must be compared to the second value. Because Walker does not perform such a comparing step, then Walker cannot identify “an amount of occurrences of unequal first values compared with second values, attributed to a common supplier” as defined in dependent claims 6, 12, and 19. In view of the foregoing, the Board is respectfully requested to reconsider and withdraw this rejection.

### **e. Dependent Claims 7, 13, and 20**

Appellants traverse the rejections because the prior art of record fails to teach or suggest the claimed features of “selecting all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alerting said user” (dependent claims 7, 13, and 20). As discussed more fully above, Walker is not prior art

## Appeal Brief

under 35 U.S.C. §103(a). Moreover, the Office Action fails to reference portions in the provisional of Walker that teach the features defined in dependent claims 7, 13, and 20.

As also discussed above, nothing within Walker discloses “identifying an amount of occurrences of unequal first values compared with second values” (dependent claims 6, 12, and 19, from which claims 7, 13, and 20 depend upon, respectively). In order to identify whether the first value is equal or unequal to the second value, the first value must be compared to the second value. Because Walker does not perform such a comparing step, then Walker cannot identify the amount of occurrences of unequal first values compared with second values.

Further, Appellants submit that because Walker does not identify the amount of “occurrences” of unequal first values compared with second values, then Walker cannot select all invoices of a common supplier if the amount of identified “occurrences” exceeds a predetermined amount. In order to determine whether the amount of “occurrences” exceeds a predetermined amount, the amount of “occurrences” must first be identified. Because Walker fails to teach comparing the first value with the second value, and subsequently identifying the amount of “occurrences” of unequal values, then Walker cannot teach selecting all invoices of a common supplier when the amount of “occurrences” exceeds a predetermined amount. Therefore, it is Appellants’ position that the prior art of record fails to teach or suggest the claimed features of “selecting all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alerting said user” as defined in dependent claims 7, 13, and 20. In view the foregoing, the Board is respectfully requested to reconsider and withdraw this rejection.

**f. Dependent Claims 5, 11, and 18**

As discussed more fully above, Walker is not prior art under 35 U.S.C. §103(a). Moreover, the Office Action fails to reference portions in the provisional of Walker that teach the features defined in dependent claims 5, 11, and 18.

Furthermore, it is Appellants' position that the proposed combination of Walker and Official Notice does not render obvious independent claims 1, 8, and 14 and similarly does not render obvious dependent claims 5, 11, and 18. In view the foregoing, the Board is respectfully requested to reconsider and withdraw this rejection.

**B. CONCLUSION**

In view the forgoing, the Board is respectfully requested to reconsider and withdraw the rejections of claims 1, 3-14, and 16-20.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Date: January 28, 2008

/Duane N. Moore/  
Duane N. Moore, Esq.  
Registration No. 53,352

Gibb & Rahman, LLC  
2568-A Riva Road, Suite 304  
Annapolis, MD, 21401  
Voice: (410) 573-6501  
Fax: (301) 261-8825  
Customer No. 29154

**IX. CLAIMS APPENDIX**

1. A method for verifying a value of goods on a supplier invoice, said method comprising:

compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system;

inputting a first value of imported goods in said data processing system, said inputting of said first value comprising inputting a value claimed on an import declaration;

inputting a second value of imported goods in said data processing system, said inputting of said second value comprising inputting a value claimed on a payment invoice;

selectively comparing said first value with said second value;

performing a logic step, wherein said logic step comprises one of:

alerting a user if said first value does not equal said second value; and

making an automated payment if said first value equals said second value;

and

repeating said method for subsequent supplier invoices.

## Appeal Brief

2. (Cancelled).
3. The method according to claim 1, all the limitations of which are incorporated herein by reference, wherein said step of comparing said first value with said second value occurs for every occurrence of said inputting a first value of imported goods into a data processing system and said step of inputting a second value of imported goods into said data processing system.
4. The method according to claim 1, all the limitations of which are incorporated herein by reference, wherein said sampling size is approximately 30 supplier invoices.
5. The method according to claim 1, all the limitations of which are incorporated herein by reference, further comprising selecting a statistical sample of supplier invoices having said first value greater than a predetermined amount.
6. The method according to claim 1, all the limitations of which are incorporated herein by reference, further comprising selecting a statistical random sample from all supplier invoices in said data processing system, and identifying an amount of occurrences of unequal first values compared with second values, attributed to a common supplier.



## Appeal Brief

7. The method according to claim 6, all the limitations of which are incorporated herein by reference, further comprising selecting all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alerting said user.

8. A computer system executing a method for verifying a value of goods on a supplier invoice, said computer system comprising:

a sampling generator adapted to compile, in a data processing system, a daily input of supplier invoice data into a weekly statistical sample of supplier invoices, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system, wherein said data processing system is adapted to have a first value and a second value of imported goods being input therein, wherein said first value comprises a value claimed on an import declaration, and wherein said second value comprises a value claimed on a payment invoice;

an input data management system adapted to selectively compare said first value with said second value; and

a logic component comprising:

an alert component adapted to alert a user if said first value does not equal said second value; and

a payment system adapted to make an automated payment if said first value equals said second value.

## Appeal Brief

9. The computer system according to claim 8, all the limitations of which are incorporated herein by reference, wherein the comparison of said first value with said second value occurs for every occurrence of the inputting of said first value of imported goods into a data processing system and the inputting of said second value of imported goods into said data processing system.

10. The computer system according to claim 8, all the limitations of which are incorporated herein by reference, wherein said sampling size is approximately 30 supplier invoices.

11. The computer system according to claim 8, all the limitations of which are incorporated herein by reference, wherein said sampling generator is further adapted to generate and select a statistical sample of supplier invoices having said first value greater than a predetermined amount.

12. The computer system according to claim 8, all the limitations of which are incorporated herein by reference, wherein said sampling generator is further adapted to generate and select a statistical random sample from all supplier invoices in said data processing system, and identify an amount of occurrences of unequal first values compared with second values attributed to a common supplier.

## Appeal Brief

13. The computer system according to claim 12, all the limitations of which are incorporated herein by reference, wherein said sampling generator is further adapted to select all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alert said user.

14. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform a method for verifying an import declaration with an invoice for value of goods, said method comprising:

compiling a daily input of supplier invoice data into a weekly statistical sample of supplier invoices in a data processing system, wherein said statistical sample comprises a sampling size greater than a sampling size used in United States Customs Service audits, and wherein said sampling size equals exactly a total number of all supplier invoices compiled in said data processing system;

inputting a first value of imported goods in said data processing system, said inputting of said first value comprising inputting a value claimed on an import declaration;

inputting a second value of imported goods in said data processing system, said inputting of said second value comprising inputting a value claimed on a payment invoice;

selectively comparing said first value with said second value;

performing a logic step, wherein said logic step comprises one of:

alerting a user if said first value does not equal said second value; and

## Appeal Brief

making an automated payment if said first value equals said second value;

and

repeating said method for subsequent supplier invoices.

15. (Cancelled).

16. The program storage device according to claim 14, all the limitations of which are incorporated herein by reference, wherein in said method, said step of comparing said first value with said second value occurs for every occurrence of said inputting a first value of imported goods into a data processing system and said step of inputting a second value of imported goods into said data processing system.

17. The program storage device according to claim 14, all the limitations of which are incorporated herein by reference, wherein said sampling size is approximately 30 supplier invoices.

18. The program storage device according to claim 14, all the limitations of which are incorporated herein by reference, wherein said method further comprises selecting a statistical sample of supplier invoices having said first value greater than a predetermined amount.

19. The program storage device according to claim 14, all the limitations of which are

## Appeal Brief

incorporated herein by reference, wherein said method further comprises selecting a statistical random sample from all supplier invoices in said data processing system, and identifying an amount of occurrences of unequal first values compared with second values, attributed to a common supplier.

20. The program storage device according to claim 19, all the limitations of which are incorporated herein by reference, wherein said method further comprises selecting all invoices of said common supplier if said amount of occurrences exceeds a predetermined amount, and alerting said user.

Appeal Brief

**X. EVIDENCE APPENDIX**

Attached hereto is the provisional patent application on which Walker (U.S. Publication No. 2002/0095355) was based.

**XI. RELATED PROCEEDINGS APPENDIX**

There is no other related proceedings known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.